

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

M. DIANE KOKEN, in her official capacity as
Insurance Commissioner of the Commonwealth
of Pennsylvania, as Liquidator of RELIANCE
INSURANCE COMPANY (IN LIQUIDATION)
1311 Strawberry Square
Harrisburg, Pennsylvania 17120

Plaintiff,

-v-

GPC INTERNATIONAL, INC.

Defendant.

No. 05 CV 223 (SLR)

GPC INTERNATIONAL, INC.

Third-Party Plaintiff

-v-

ZURICH-AMERICAN INSURANCE
COMPANY

Third-Party Defendant.

**DEFENDANT AND THIRD-PARTY PLAINTIFF'S MOTION FOR ADJOURNMENT
OF DISCOVERY SCHEDULE AND AMENDMENT OF SCHEDULING ORDER**

Defendant and Third-Party Plaintiff GPC International, Inc. ("GPC") herby moves this Court, pursuant to Rule 6(b), Fed. R. Civ. P., for a Second Amended Scheduling Order, extending thereby the current deadlines on service of experts' reports, completion of fact

discovery, and completion of expert discovery. The adjourned dates sought by this motion would not interfere with the trial date of September 5, 2006, which was set by the Court in its original Scheduling Order in this action.

One prior extension of the discovery dates relevant to this motion was granted pursuant to stipulation of the parties in February 2006. Since entry of that order, on March 17, 2006, the parties submitted mediation statements to United States Magistrate Judge Thyng, on March 27, 2006, the parties participated in a mediation session before Magistrate Judge Thyng, on March 31, 2006, GPC served a set of interrogatories on Plaintiff, on April 13, 2006, GPC served its motion for leave to serve an amended answer, and on April 14, 2006, GPC served a set of interrogatories on Third-Party Defendant.

The dates to which GPC seeks adjournment by the requested Second Amended Scheduling Order and the current deadlines for discovery are as follows (the dates in bold are the dates to which GPC seeks adjournment by this motion):

1. All fact discovery shall be commenced in time to be completed by **June 15, 2006** (as adjourned from the date of May 15, 2006 (originally March 16, 2006)).
2. All expert discovery shall be commenced in time to be completed by **July 31, 2006** (as adjourned from June 14, 2006 (originally April 14, 2006)).
3. Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **June 20, 2006** (as adjourned from May 1, 2006 (originally March 1, 2006)).
4. Rebuttal expert reports due by **July 10, 2006** (as adjourned from May 20, 2006 (originally March 1, 2006)).

The only dates in the initial or first amended Scheduling Order between the above, requested dates and the scheduled trial date of September 5, 2006 are the following dates which are not disturbed by the requested adjourned schedule: any motion *in limine* to be filed on or before August 8, any response thereto to be filed on or before August 15, and the pretrial conference on August 22.

The longer adjournment for the submission of initial expert reports as reflected above is requested to permit completion of fact discovery so that any expert preparing an initial expert report shall have all facts in front of him or her.

Pursuant to D. Del. LR 7.1.1, counsel for GPC certifies that he sought consent of the attorneys for Plaintiff and the attorneys for Third-Party Defendant to the adjournment of the deadlines in the Amended Scheduling Order to those set forth above but the attorneys for Plaintiff declined to consent and counsel for GPC has not heard back from the attorneys for Third-Party Defendant.

GPC respectfully submits that, in the interest of fairness, in view of the fact that the requested adjourned schedule will not move the trial date, and in view of the numerous activities undertaken in this action by the attorneys for GPC between the date of the Amended Scheduling Order and the date of this motion as set forth above, this motion should be granted for cause shown. A proposed Second Amended Scheduling Order reflecting the adjourned dates requested by this motion is submitted herewith for the Court's signature.

BOUCHARD MARGULES & FRIEDLANDER, P.A.

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Dated: April 28, 2006